IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 6737 of 2004

Between:

1 J.Radhakrishna, S/o.J.Narsimhulu, School Assistant,S.S.N. High School, Kadapa.
2 M.Raja Gopal, S/o.Malepati Venkata Subbaiah,Head Master, S.S.N.High School, Kadapa.
3 B.Rama Gopal Swamy, S/o.B.Venkata Ramaiah, School Assistant, S.S.N. High School, Kadapa.
4 M.Syamala Devi, D/o.M.Subba Rayudu, School Assistant, S.S.N. High School, Kadapa.
5 P.Samba Murthy, S/o.Palagiri Kondanna, School Assistant, S.S.N. High School, Kadapa.
6 N.Sudhakar Murthy, S/o.N.Subbaramaiah, School Assistant,

S.S.N.HighSchool, Kadapa.
7 G.T.Siddeswar, S/o.Gurram Thimmugari Ramanna, School Assistant,S.S.N. High School, Kadapa.
8 B.Thirumalaiah, S/o.B.Basanna,Grade-II Telugu Pandit, S.S.N.High School, Kadapa.
9 M.Chinna Nagireddy, S/o.M.Narayana Reddy, Grade-I Telugu Pandit, S.S.N.High School, Kadapa.
10 N.Narasimhulu, S/o.N.Narsaiah, Grade-II Telugu Pandit, S.S.N. High School, Kadapa.
11 J.Subramanyam, S/o.J.Narapuram, Grade-II Telugu Pandit, S.S.N.High School, Kadapa.
12 M.V.Naga Rathnamma, D/o.Subbanna,Hindi Pandit, S.S.N. High School, Kadapa.
13 M.Yerramma Devi, D/o.Narayana, P.E.T., S.S.N. High School, Kadapa.
14 D.Babaiah, S/o.D.Hassan, P.E.T., S.S.N. High School, Kadapa.
15 Ch.Venkata Swamy, S/o.Ch.Pedda Pullaiah, Grade-I Sanskrit Pandit,

S.N.Y.S.S. High School, Kanda Machupalle, Vontimitta Mandal

Kadapa.District.

16 A.V.Ramalingam, S/o.Late A.E.V.Ramaiah, Retd. Head Master, S.S.N. High School, Kadapa.
17 P.Krishnudu, S/o.Late P.Ankanna,Retd.School Assistant, S.S.N. High School, Kadapa.
18 V.Subba Rayudu, S/o.V.Subbaiah,Retd. LS.G.Assistant, S.S.N. High School, Kadapa.
19 S.Nagamuni, S/o.S.Pedda Subbaiah,Retd. S.G.Assistant, S.S.N. High School, Kadapa.
20 M.Nagamuni, S/o.M.Subba Ramaiah,Retd. S.G.Assistant, S.S.N. High School, Kadapa.
21 N.Sree Ramulu, S/o.N.Ch.Ramireddy,Retd. P.E.T., S.S.N. High School, Kadapa.
22 S.Mahammad Ali, S/o.Shaik Abdul Rahim, Retd.Craft Master, S.S.N. High School, Kadapa.
23 Smt.T.Lakshumma Legal Heir & Wife of Late K.Mallikarjunappa, Retd.School Assistant, S.S.N.High School, Kadapa.
24 Smt.B.Padmavathamma, Legal Heir & Wife of Late B.Gopala Krishnaiah, Retd. S.G.Assistant, S.S.N.High School, Kadapa.
25 Smt.B.Prabhavathamma, Legal Heir & wife of Late B.Sanjeevaiah, Retd. S.G.Assistant, S.S.N. High School, Kadapa.
26 I.Lokeswara Babu, Legal Heir & son of Late I.Chandra Sekharudu, School Assistant, S.S.N. High School, Kadapa.

..... PETITIONERS.

AND

1 The Commissioner & Director of School Education, A.P.Hyderabad.
2 The District Educational Officer, Kadapa.
3 The Audit officer, Local Fund, Kadapa.
4 The Secretary/ Correspondent, S.S.N.High School,Kadapa.
5 The Secretary/Correspondent, S.N.Y.S.S.High School, Kanda Machupalle, Vontimitta Mandal,Kadapa Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of Mandamus declaring that the petitioners are entitled for preserving of 30 days Earned Leave Consequent on preventing them from availing of summer vacation during 1991 in connection with the Mid-term poll of house of parliament of 1991 on the analogy of the orders issued by the commissioner & Director of School Education in Proc.L.Dis.No.4756/D1-2/2003, dated 7-11-2003 with all consequential benefits by holding the action of the respondents in not preserving the 30 days Earned Leave in pursuance of FR 82 (b) subsidiary Rule (5) read with G.O.Ms.No.35, Edn., dated 16-1-1981 to the petitioners while extending the said benefit to other similarly situated persons on the ground that the petitioners have not obtained similar orders is as illegal, arbitrary, discriminatory and violative of Articles 14, 16 and 21 of the Constitution.

Counsel for the Petitioners: MR.M.RAMGOPAL RAO

Counsel for the Respondents Nos.1to 3 : G.P. for School Education and GP

FOR EDUCATION .

The Court made the following :

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 6737 of 2004

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ORDER:

The petitioners seek the payment of earned leave amount for a period of 30 days for preventing them from availing of summer vacation during 1991 due to the reason that they were posted on election duty and therefore it is stated that they are entitled for the said benefits as per the judgment of the Administrative Tribunal in O.A.No.5428 of 1998.

2. The Division Bench of this Court considering the similar contentions, rejected the writ petition on the ground that the writ petition cannot be entertained after a lapse of 13 long years and on that ground the Court cannot grant any relief to a person who is not vigilant on the principle of *vigilantibus non dornientibus jura subventiunt.*

3. Therefore, in view of the above said reasons and also on the ground of laches, this writ petition is liable to be dismissed.

4. The writ petition is accordingly dismissed. No order as to costs.

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V.ESWARAIAH, J.

29th July, 2004.

Chvn/BSS.

ASSISTANT REGISTRAR.

// TRUE COPY//

SECTION OFFICER.

To

1 The Commissioner & Director of School Education, A.P.Hyderabad.
2 The District Educational Officer, Kadapa.
3 The Audit officer, Local Fund, Kadapa.
4. Two C.Cs. to the G.P. for School Education, High Court Buildings,

Hyderabad (OUT).

5. Two C.Cs. to the G.P. for Education, High Court Buildings, Hyderabad

(OUT).

6. Two C.D.copies.